

Sec. 15. Sections 9 and 11 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 13, 1988

CHAPTER 1272

**APPROPRIATIONS AND FEES FOR AGRICULTURE
AND LAND STEWARDSHIP AND NATURAL RESOURCES DEPARTMENTS**

H.F. 2440

AN ACT relating to and making appropriations to the department of agriculture and land stewardship and the department of natural resources, and providing for an increase in certain fees.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. There is appropriated from the general fund of the state and the trust funds indicated to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

- a. From the general fund for salaries, support, maintenance, and miscellaneous purposes:

	\$ 968,311
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- b. From the fertilizer fund to be transferred to the administration division:

	\$ 51,100
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- c. From the dairy trade practice fund to be transferred to the administration division:

	\$ 86,813
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- d. From the commercial feed fund to be transferred to the administration division:

	\$ 51,100
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- e. Of the amount appropriated from the general fund of the state under paragraph "a" of this subsection, sixty thousand (60,000) dollars shall be allocated for the operations of the statistics bureau.
- f. The department of agriculture and land stewardship shall establish annual subscription fees for the regular and periodic publications of the department. However, the subscription fee for a publication by the farm commodity division relating to a livestock market summary shall not exceed ten dollars and a publication by the farm commodity division relating to sheep clippings shall not exceed four dollars. Fees collected from subscribers shall be deposited in the general fund of the state.
- g. The department of agriculture and land stewardship shall fund, from moneys appropriated to the department under paragraph "a" for the salary and support of the currently untitled position within the administrative division, the salary and support of the position of programming and planning administrator II.
- h. Funds appropriated by this subsection are for the salaries and support of not more than forty-two point twenty-four full-time equivalent positions.

2. FARM COMMODITY DIVISION

a. From the general fund for salaries and support, for not more than twenty-three full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 985,270

b. Of the amount appropriated from the general fund of the state under paragraph "a" of this subsection, three hundred forty-six thousand three hundred seventy-nine (346,379) dollars shall be allocated to the horticultural division for the continuation of the agricultural diversification program as enacted by 1986 Iowa Acts, chapter 1246, section 501, subsection 1, paragraph "e".

3. FARMER'S MARKET COUPON PROGRAM

From the general fund of the state to be used by the department to continue and expand the farmer's market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmer's markets:

..... \$ 100,000

4. REGULATORY DIVISION

a. From the general fund of the state for salaries and support for not more than one hundred forty-nine point twenty full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 3,910,737

b. Of the amount appropriated from the general fund of the state under paragraph "a" of this subsection, one hundred forty-nine thousand seven hundred ninety (149,790) dollars shall be allocated for the operations of the grain warehouse bureau.

c. Of the amount appropriated from the general fund of the state under paragraph "a" of this subsection, one hundred seventy thousand twenty-nine (170,029) dollars shall be allocated as follows: twenty-two thousand six hundred twenty (22,620) dollars to the animal health bureau; forty-one thousand eight hundred fifty-nine (41,859) dollars to the grain warehouse bureau; fifty-two thousand eight hundred seventy (52,870) dollars to the meat and poultry bureau; and fifty-two thousand six hundred eighty (52,680) dollars to the weights and measures bureau for the operations of those bureaus.

5. LABORATORY DIVISION

a. From the general fund for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 596,283

b. From the commercial feed fund to be transferred to the laboratory division:

..... \$ 811,527

c. From the pesticide fund to be transferred to the laboratory division:

..... \$ 495,517

d. From the fertilizer fund to be transferred to the laboratory division:

..... \$ 832,356

e. Funds appropriated by this subsection are for the salaries and support of not more than ninety full-time equivalent positions.

6. SOIL CONSERVATION DIVISION

a. From the general fund for salaries and support for not more than one hundred seventy-five point seventy-eight full-time equivalent positions, maintenance, assistance to soil conservation districts, and for miscellaneous purposes:

..... \$ 4,347,061

b. Of the amount appropriated from the general fund of the state under paragraph "a" of this subsection, three hundred three thousand four hundred thirty-six (303,436) dollars shall be used to conduct soil surveys in conjunction with federal, state, and local agencies in Iowa.

c. To provide financial incentives for soil conservation practices in accordance with the provisions of paragraph "d" of this subsection:

..... \$ 6,789,972

d. The following requirements apply to the funds appropriated by paragraph "c":

(1) Not more than five percent may be allocated for cost sharing to abate complaints filed under section 467A.47 and 467A.48.

(2) Not more than ten percent may be allocated for financial incentives not exceeding seventy-five percent of the approved cost of permanent soil conservation practices under chapter 467A on watersheds above publicly owned lakes in accordance with the priority list required in section 10 of this Act.

(3) The soil conservation district commissioners may allocate financial incentives not exceeding sixty percent of the cost of permanent soil conservation practices for special watershed practices or summer construction incentives under section 467A.7, subsections 17 and 19.

(4) Except for the allocations subject to subparagraphs 1, 2, and 3, these funds shall not be used alone or in combination with other public funds to provide a financial incentive payment greater than fifty percent of the approved cost for voluntary permanent soil conservation practices and priority shall be given to family-operated farms.

(5) The soil conservation committee may allocate funds to conduct research and demonstration projects to promote conservation tillage and nonpoint sources pollution control practices.

(6) Not more than thirty percent of a district's allocation may be allocated by the soil conservation district commissioners for the establishment of management practices to control soil erosion on land that is now row cropped.

(7) The financial incentive payments may be used in combination with department of natural resources funds.

e. The provisions of section 8.33 shall not apply to the funds appropriated by paragraph "c". Unencumbered or unobligated funds remaining on June 30, 1992, from funds appropriated for the fiscal year beginning July 1, 1988, shall revert to the general fund on September 30, 1992.

Sec. 2. There is appropriated to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1988, and ending June 30, 1989, from the funds available under section 99D.13 the sum of one hundred sixteen thousand five hundred seventy-one (116,571) dollars, or so much thereof as necessary, for volunteer assistance and not more than three full-time equivalent positions for the administration of section 99D.22.

Sec. 3. The department shall not make transfers from the funds established in chapter 192A, 198, 200, or 206, to be used for purposes not authorized in those chapters without notifying the chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee in writing prior to the proposed transfer of funds. The notice from the department shall include information concerning the amount of the proposed transfer, the funds affected by the proposed transfer, and the reasons for the proposed transfer. Chairpersons and ranking members notified shall be given at least two weeks to review and comment on the proposed transfer before the transfer of funds is made.

Sec. 4. Notwithstanding section 83.4, the division of soil conservation of the department of agriculture and land stewardship shall set the fee for a mine site permit at fifteen dollars per site acre which shall be deemed to be the cost of administration.

Sec. 5. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1. For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 10,570,488

- 2. For reimbursement to federal agencies for cooperative contracts:
 - \$ 185,983
- 3. For the green thumb program for the employment of the elderly in conservation and outdoor recreation related fields in coordination with other agencies as provided by law:
 - \$ 200,000
- 4. For the payment of assessments to the midwest interstate low-level radioactive waste compact:
 - \$ 78,000

Sec. 6. There is appropriated from the state fish and game protection fund to the department of natural resources for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

DIVISION OF FISH AND GAME

- 1. From the state fish and game protection fund for salaries, support, maintenance, equipment, and miscellaneous purposes including not more than two million three hundred sixty-three thousand nine hundred fifty-seven (2,363,957) dollars during the fiscal year beginning on July 1, 1988, which shall be available from the state fish and game protection fund for administrative support:
 - \$ 14,655,148
- 2. From the fees deposited under section 321G.7 to the fish and game protection fund for enforcement of snowmobile laws as part of the state snowmobile program:
 - \$ 150,000
- 3. From the fees deposited under section 106.52 to the fish and game protection fund for administration and enforcement of navigation laws and water safety:
 - \$ 1,000,000
- 4. Funds remaining in the fish and game protection fund during fiscal year 1988-1989 which are not specifically appropriated by this section are appropriated and may be used for capital projects and contingencies arising during the fiscal year beginning July 1, 1988. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into law. For the purpose of this subsection, a necessity of additional operating funds may be construed as a contingency. Before any of the funds authorized to be expended by this subsection are allocated for contingencies, it shall be determined by the executive council that a contingency exists and that the contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state. If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly.

Sec. 7. **MARINE FUEL TAX FUND.** There is appropriated from the marine fuel tax fund to the department of natural resources for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the following purposes:

- 1. For maintenance and development of boating facilities and access to public waters:
 - \$ 397,179
- 2. For deposit in the state fish and game protection fund for the administration and enforcement of navigation laws and boat safety:
 - \$ 150,000

The balance of the amount computed as provided in section 324.84 for the fiscal year beginning July 1, 1988, and ending June 30, 1989, is appropriated for the purposes provided in

section 324.79, subsections 1, 2, 3, and 5. The unencumbered or unobligated balances of funds specifically allocated for such projects for the fiscal year ending June 30, 1989, shall revert to the fund from which appropriated September 30, 1991.

Sec. 8. Funds appropriated by section 6, subsections 1 and 3, and sections 7 and 8 of this Act are for salaries and support for not more than nine hundred seventy point ten full-time equivalent positions.

Sec. 9. The natural resources commission shall establish a priority list of watersheds which are of highest importance based on soil loss to be used for the allocation of funds set aside in the appropriations to the department of agriculture and land stewardship for permanent soil conservation practices.

Sec. 10. Effective July 1, 1988, the department of natural resources shall establish prices of plant material grown at the state forest nurseries to cover eighty percent of all expenses directly related to the growing of plants.

Effective July 1, 1989, the department shall establish prices of plant material grown at the state forest nurseries to cover all expenses directly related to the growing of the plants.

The department shall develop additional programs to encourage the wise management and preservation of existing woodlands and shall increase its efforts to encourage forestation and reforestation on private and public lands in the state.

The department shall encourage a cooperative relationship between the state forest nurseries and private nurseries in the state in order to achieve these goals.

Sec. 11. If the department of agriculture and land stewardship or the department of natural resources makes an appropriation transfer between appropriation line-items, the chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee shall be notified in writing prior to the proposed transfer of funds. The notice from the department shall include information concerning the amount of the proposed transfer, the appropriation line-items affected by the proposed transfer, and the reasons for the proposed transfer. Chairpersons and ranking members notified shall be given at least two weeks to review and comment on the proposed transfer before the transfer of funds is made.

Sec. 12. Section 162.3, Code 1987, is amended to read as follows:

162.3 CERTIFICATE OF REGISTRATION FOR POUND.

No pound shall be operated unless a certificate of registration for the pound is granted by the secretary. Application for the certificate shall be made in the manner approved by the secretary. ~~No fee shall be required for the application or certificate.~~ Certificates of registration shall expire annually on March 1 unless revoked and may be renewed upon application in the manner provided by the secretary. A registered pound may engage in the sale of dogs or cats, or both, under its control, if it obtains a license for such activity, ~~but no fee shall be charged therefor unless the registered pound is privately owned.~~ The license fee for a registered pound shall be fifteen dollars per year.

Sec. 13. Section 162.5, Code 1987, is amended to read as follows:

162.5 PET SHOP LICENSE.

No person shall operate a pet shop unless the person has obtained a license to operate a pet shop issued by the secretary. Application for the license shall be made in the manner provided by the secretary. The license shall expire annually on March 1 of each year unless revoked and may be renewed in the manner provided by the secretary. The license fee shall be ~~forty fifty~~ dollars per year or ten thirteen dollars for each quarter or portion of a quarter of a year. The license may be renewed if the licensee has conformed to all statutory and regulatory requirements.

Sec. 14. Section 162.6, Code 1987, is amended to read as follows:

162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE.

No person shall operate a commercial kennel or public auction, as defined in section 162.2, unless the person has obtained a license to operate a commercial kennel or a public auction issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and the certificate shall expire annually on March 1 unless revoked. The license fee shall be ~~twenty-five~~ forty dollars per year or ~~seven~~ ten dollars for each quarter or portion of a quarter of a year and the certification fee shall be five dollars annually. If the person has obtained a federal license, the person need only obtain a certificate. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary ~~provided if the licensee~~ has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

Sec. 15. Section 162.7, Code 1987, is amended to read as follows:

162.7 DEALER LICENSE.

No person shall operate as a dealer unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and certificate shall expire annually on March 1 unless revoked. The license fee shall be ~~fifty one~~ hundred dollars per year or ~~fifteen~~ twenty-five dollars for each quarter or portion of a quarter of a year, and the certification fee shall be five dollars per year. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary, ~~provided if the licensee~~ has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

Sec. 16. Section 162.8, Code 1987, is amended to read as follows:

162.8 COMMERCIAL BREEDER'S LICENSE.

No person shall operate as a commercial breeder unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The annual license or the certification period shall commence March 1 of each year. The license fee shall be ~~twenty-five~~ forty dollars per year or ~~seven~~ ten dollars for each quarter or portion of a quarter of a year and the certificate fee shall be ~~five~~ twenty dollars per year. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary ~~provided the licensee~~ has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

Sec. 17. Section 162.9, Code 1987, is amended to read as follows:

162.9 BOARDING KENNEL OPERATOR'S LICENSE.

No person shall operate a boarding kennel unless the person has obtained a license to operate a boarding kennel issued by the secretary. Application for the license shall be made in the manner provided by the secretary. The annual license period shall commence March 1 of each year. The license fee shall be ~~fifteen~~ thirty dollars per year or ~~four~~ nine dollars for each quarter or portion of a quarter of a year. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary ~~provided the licensee~~ has conformed to all statutory and regulatory requirements.

Sec. 18. Section 162.10, Code 1987, is amended to read as follows:

162.10 HOBBY KENNEL OWNER'S LICENSE.

No person shall operate a hobby kennel unless the person obtains a license issued by the secretary. Application for the license shall be in the manner provided by the secretary. The annual license period shall commence March 1. The license fee shall be ~~two~~ thirty dollars per year. The license may be renewed upon application in the manner prescribed by the secretary, provided the licensee has conformed to all statutory and regulatory requirements.

Sec. 19. Section 177A.9, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The fees for inspections and certifications shall not be less than ~~fifteen~~ twenty-five dollars nor more than five hundred dollars. Certificates shall be issued to nursery stock growers and dealers on an annual basis. Inspection and certification fees for nursery stock growers shall be ~~fifteen~~ twenty-five dollars plus ~~one dollar~~ five dollars per acre or part thereof, according to the amount of stock inspected. The inspection and certification fee for nursery stock dealers shall be ~~fifteen~~ twenty-five dollars. All fees shall be paid at the time of inspection or before a certificate is issued. Inspection and certification shall take place when necessary to enforce this chapter and the rules pursuant to it. Certificates issued in accordance with this chapter may be revoked when inspection results determine that conditions violate the standards for which certification was issued.

Sec. 20. Section 199.15, unnumbered paragraph 1, Code 1987, is amended to read as follows:

A person shall not sell, distribute, advertise, solicit orders for, offer or expose for sale, agricultural or vegetable seed without first obtaining from the department a permit to engage in the business. A permit is not required of persons selling seeds which have been packed and distributed by a person holding and having in force a permit. A permit is not required of persons selling or advertising seed of their own production, provided that the seed is stored or delivered to a purchaser only on or from the farm or premises where grown. The fee for a new permit is ten dollars and the fee for a renewed permit is based on the gross annual sales of seeds in Iowa during the previous twelve-month period under the permit holder's label and all permits expire on the first day of July following date of issue. Permits shall be issued subject to the following fee schedule:

Gross sales of seeds		Fee
Not more than	\$ 25,000	\$ <u>10</u>
		<u>30</u>
Over \$25,000 but not exceeding	50,000	<u>20</u>
		<u>60</u>
Over \$50,000 but not exceeding	100,000	<u>30</u>
		<u>90</u>
Over \$100,000 but not exceeding	200,000	<u>40</u>
		<u>120</u>

For each additional increment of one hundred thousand dollars of sales in Iowa the fee shall increase by ~~ten~~ thirty dollars. The fee shall not exceed one thousand five hundred dollars for a permit holder.

Sec. 21. Section 214.3, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

The fee for each license shall be ~~four~~ six dollars per annum, except that the fee for motor vehicle fuel pumps and meters shall be ~~two~~ three dollars per annum if paid within one month from the date the license fee is due.

Sec. 22. Section 215.2, subsection 1, Code 1987, is amended to read as follows:

1. Railroad track scales, fifty sixty-five dollars each.

Sec. 23. Section 215.20, unnumbered paragraph 1, Code 1987, is amended to read as follows:
 The secretary of agriculture shall annually inspect and test all liquid meters used for the measurement and retail sale of liquefied petroleum gas and the secretary shall condemn all meters which are found to be inaccurate. A reasonable tolerance within a maximum of two percent, plus or minus, shall be allowed. It is unlawful to use a meter for retail measurement and sale which has been condemned. All condemned meters shall be conspicuously marked "inaccurate", and the mark shall not be removed or defaced except upon authorization of the secretary of agriculture or the secretary's authorized representative. The secretary of agriculture shall charge an annual fee of ~~ten~~ thirty-five dollars for each meter tested but the testing fee provided for by this section shall not be charged more than once in a calendar year to each meter tested. When liquefied petroleum gas is sold or delivered to a consumer as a liquid and by liquid measurement, the volume of liquid sold and delivered shall be corrected to a temperature of 60 degrees F. through use of an approved volume correction factor table, or through use of an approved meter with sealed automatic compensation mechanism. All sale tickets shall show the delivered gallons, the temperature at the time of delivery, and the corrected gallonage, or shall state that temperature correction was automatically made.

Sec. 24. All federal grants to and the federal receipts, not otherwise appropriated, of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts, unless otherwise provided by the general assembly.

Approved April 12, 1988

CHAPTER 1273

APPROPRIATIONS AND PROGRAMS FOR ECONOMIC DEVELOPMENT

S.F. 2309

AN ACT relating to and making appropriations to the department of economic development, providing for the creation and repeal of programs, and transferring administration of a program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. General administration

For salaries and support for not more than twenty-one point five full-time equivalent positions, maintenance, and other operational purposes:

..... \$ 266,827

2. For tourism and promotion programs, including salaries and support for not more than fifteen full-time equivalent positions:

..... \$ 926,533

The department shall evaluate the feasibility of providing financial and nonfinancial assistance to local and regional tourism organizations to promote local and regional tourism and recreational attractions and sites at the Iowa state fair, and to educate residents of this state and out-of-state visitors about the significant number of tourism and recreational attractions and sites within the state. The department shall consult with regional tourism councils and local tourism organizations to evaluate the type, extent, and effectiveness of providing